REMARKS

In the Office Action, the Examiner rejected claim 1 under 35 USC §102(e), and rejected claims 2-5 and 23-33 under 35 USC §103(a). These rejections are fully traversed below.

Claim 23 has been amended to further clarify the subject matter regarded as the invention. New claims 35-40 have been added to the application. Claims 1-5, 22-32 and 34-40 are now pending. Reconsideration of the application is respectfully requested based on the following remarks.

PATENTABILITY OF CLAIMED INVENTION

In the Office Action, the Examiner rejected claim 1 under 35 USC §102(e) as being anticipated by each of Dantressangle (U.S. Patent 6,446,120), Godfrey et al. (U.S. Patent 6,662,217), Osborne, II et al. (U.S. Patent 7,000,224), Conti (U.S. Patent 6,522,995), Nesbitt et al. (U.S. Patent 6,418,544), and Meyers (U.S. Patent Publication 2004/0039550). The Examiner also rejected claims 2-5 and 23-33 under 35 USC §103(a) as being obvious over Meyers in view of Nesbitt et al. Applicants respectfully disagree with these rejections.

Dantressangle describes a configurable stresser for a web server. The stresser makes use of virtual web browsers. Claim 1, however, pertains to a network browser application that has built-in capabilities for performing analysis and testing of websites residing on the Internet. The virtual browsers in Dantressangle are not network browser applications.

Godfrey describes a distributed test administration architecture that enables a system administrator to test one or more servers. Although a remote administration computer can implement a browser so that the administrator can control testing, the browser is not performing the testing. According to Godfrey, testing is done by an automated testing server 22, not by a network browser. See Fig. 2.

Osborne, II et al. describes a system for testing middleware. The system is used to test a multi-tier application operating on a server. As a result, Osborne, II et al. also fails to teach or suggest a network browser application that supports website testing.

Meyers describes a method and system for load testing with load cells. "A load test request is received from a User and provides information concerning a load test to be performed on a site under test (SUT)." The load cells of Meyers are, however, not network browsers.

Conti describes a system and method for testing a website server. Conti, however, uses a virtual user framework, not a browser framework to provide the testing. While a web browser might be used to configure test control and agent devices for communication with a web server to be tested, the agent devices execute test scripts when testing a web server. The agent devices are not web browsers.

Based on the foregoing, it is submitted that claim 1 is patentably distinct from Dantressangle, Godfrey et al., Osborne, II et al., Conti, Nesbitt et al., or Meyers. Thus, it is respectfully requested that the Examiner withdraw the rejections under 35 USC § 102(e).

Claim 2 pertains to a test-enabled web browser for operation on a computing device. Among other things, claim 2 recites:

> wherein when said load testing component is activated, a number of multiple copies of said test-enabled web browser operate on a single client machine having its cache turned off, with each of the multiple copies of said test-enabled browser separately executing a playback script, and
>
> wherein the load applied to the website server by the number of multiple copies of said test-enabled web browser is dependent on the number.

Hence, claim 2 uses multiple copies of a test-enabled browser to load test a website server.

In contrast, Meyers describes a method and system for load testing with load cells. "A load test request is received from a User and provides information concerning a load test to be performed on a site under test (SUT). A load test is generated, and the load test is allocated to one or more load cells. The load cells perform the load test by sending load test data to the SUT and receiving responses from the SUT." See Abstract. Load cells 300 are described as "physically distinct computer processing systems that each contain one or more processors. In an alternative embodiment, a plurality of load cells may be implemented by a single physical computer processing system which is logically partitioned into more than one load cell 300." Meyers, col. 3, paragraph [0041].

Meyers does not use multiple copies of a test-enabled browser operating on a computing device. At paragraph [0062] of Meyer, a user can create simulated user scripts for load testing. At paragraph [0067], an NPC tool can be used to capture time-sequenced HTTP services and create a script of the captured services that may be used as the simulated user sessions for load tests. The scripts are operated on load cells.

Thus, the load testing described in Meyers is not performed by a test-enabled browser. The creation of scripts in Meyers is done by CAPTURE of HTTP services, which is distinct from using a test-enabled browser to operating playback scripts as in claim 2. Moreover, the playback scripts of claim 2 are also performed BY OR INSIDE test-enabled browsers. In contrast, Meyers uses load cells to operate scripts.

The Examiner further relies on Nesbitt et al. to teach that a cache can be turned off during load testing. However, Nesbitt et al. is expressly making use of a cache during its testing. Col. 3, lines 65-67 state: "Another object of the present invention is to provide a technique whereby client-side caching is factored into Web server stress testing." The Examiner references col. 2, line 7 to col. 3, line 43 which also indicates that a cache is used. Hence, if anything, Nesbitt et al. is teaching away from the claim 2 which expressly turns off the cache. For various reasons, one skilled in the art would not be motivated to combine Nesbitt et al. with Meyers as proposed by the Examiner.

Based on the foregoing, it is submitted that claim 2 is patentably distinct from Meyers, alone or in combination with Nesbitt et al.

In addition, it is submitted that dependent claims 3-5 and 23-33 are also patentably distinct for at least the same reasons. However, several of these dependent claims are further discussed below.

Claim 3, for example, recites that the "test-enabled browser further comprises at least one of a script record component, a script playback component, a content validation component, a download timing monitor component, and a quality analysis component." Similarly, claim 28 recites that the test-enabled browser comprises a script record component and a script playback component. Meyers does not use a test-enabled web browser as noted above. Even if it did, it would not teach or suggest to include such components within a test-enabled web browser. Although Meyer mentions scripts, the scripts are not part of a browser but expressly separate therefrom.

Claim 23 recites that "the playback script was previously recorded from within said test-enabled browser based on user interaction with said test-enabled browser while accessing the website." Although Meyers discloses creation of scripts, the scripts in Meyers are clearly not recorded from within the test-enabled browser.

Claim 29 recites that "the script playback component can adaptively playback the playback script." Meyers discloses creation of scripts in Meyers by capture of HTTP services, see paragraph [0067] of Meyers. There is, however, no mention of any ability to provide adaptive playback of a script.

The additional limitations recited in the independent claims or the dependent claims are not further discussed as the above-discussed limitations are clearly sufficient to distinguish the claimed invention from Meyers and/or Nesbitt et al. Thus, it is respectfully requested that the Examiner withdraw the rejections under 35 USC § 103(a).

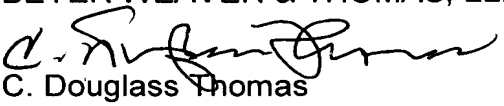
SUMMARY

It is submitted that the rejection of claims 1-5, 23-32 and 34 should be withdrawn. Accordingly, it is submitted that claims 1-5, 23-32 and 34 (as well as new claims 35-40) are in condition for allowance. Reconsideration of the application and an early Notice of Allowance are earnestly solicited.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 50-0388 (Order No. EVLDP001).

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP



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